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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,501	01/04/2002	Theodore F. Emerson	COMP:0221	6279
7590	09/07/2006		EXAMINER .	
Intellectual Property Administration Legal Department M/S 35 P.O. Box 272400 Ft. Collins, CO 80527-2400			PATEL, DHAIRYA A	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/037,501		EMERSON ET AL.	
	Examiner		Art Unit	
	Dhairya A. Patel		2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/13/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication filed on 6/13/2006.
2. This amendment has been entered and considered.
3. Dependent claim 10 has been cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,9,13 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claims 1,9,13, it states “to redirect without arbitration the data received from the OS to the remote user”. Nowhere in the specification does it state “to redirect without arbitration”. Therefore the claim language is not supported by the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2151

4. Claims 1-2,4,8,9,11-14,17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Krontz et al. U.S. Patent # 5,790,895 (hereinafter Krontz).

As per claim 1, Krontz teaches a remote server management controller, comprising:

- an external communication interface (Fig. 1A element 149) adapted to receive from a remote user (column 12 lines 17-36, lines 54-64);

The reference teaches the modem (external communication interface) receives the incoming call and examines the first few characters from the incoming call (receiving data) from the remote user using certain communication protocols (first communication protocol);

- an input/output processor (IOP) adapted to:

- receive data from external communication interface (column 10 lines 46-64); and

The reference teaches the input/output processor (IOP) receives data from the modem (external communication interface).

- transmit data corresponding to the data received from the external communication interface to an operating system (OS) of a managed server (column 10 lines 55-67)(column 11 lines 1-9, lines 26-45)(column 12 lines 17-36,54-64); and

The reference teaches sending the resource data to the operating system of the server and the Virtual communication port of the device intercepts the data. The data is sent to the remote computer (remote user) via the modem (external communication port) to the operating system.

Art Unit: 2151

-a virtual communication device (VCD) (Fig. 2 element 200) interface adapted to (column 11 lines 40-44):

-intercept data received from the OS, the VCD interface comprising a pre-defined standard communication interface, the data received from the OS being intended for specific communication interface (column 10 lines 55-67)(column 11 lines 1-9, lines 26-45), and to redirect without arbitration the data received from the OS to the remote user via the external communication interface instead of redirecting the data received from the OS to the specific communication interface (column 10 lines 55-67)(column 11 lines 1-9, lines 26-45)(column 12 lines 17-36) (column 12 lines 49-67);

The reference teaches sending the resource data to the operating system of the server and the Virtual communication port of the device intercepts the data. The data is directly received by the operating system without the arbitrator and the data is directly to the remote computer (remote user) from the operating system via the modem (external communication port). The reference also teaches the virtual communication device comprises pre-defined standard communication interface as COM1 through COM4 (column 10 lines 55-67)(column 11 lines 1-9, lines 26-31).

As per claim 2, Krantz teaches the remote server management controller of claim 1, wherein the specific communication interface is a UART interface of the managed server (column 10 lines 44-64).

As per claim 4, Krantz teaches the remote server management controller of claim 1, wherein data received from the user over the external communication interface is

Art Unit: 2151

transmitted to the OS of the managed server via a UART interface. (Column 10 lines 47-64)

As per claim 8, Krantz teaches the remote server management controller of claim 1, wherein the external communication interface is an Ethernet interface. (column 9 lines 49-56) (column 10 lines 44-47) (Fig. 1a element 149)(Column 11 lines 52-59)

The reference teaches communication takes place using a modem, which also works, as an Ethernet interface.

As per claim 9, Krantz teaches a remote server management controller, comprising:

- an input/output processor (IOP) adapted to monitor interrupt data transmitted from a super I/O (SIO) to a southbridge (column 9 lines 25-34), to alter the interrupt data transmitted from the SIO based on input received from an external user via an external communication interface (column 12 lines 17-36; lines 54-64) and to transmit the altered interrupt data to a managed server (column 9 lines 25-56); and

- a virtual communication device (VCD) that comprises a predefined standard communication interface (column 10 lines 55-67)(column 11 lines 1-9, lines 26-31), the VCD being adapted to:

- intercept responsive data intended to be transmitted to the SIO in response to the altered interrupt data (column 10 lines 55-67)(column 11 lines 1-9, lines 26-45)(column 12 lines 17-36), the responsive data being in a format that is not compatible with the first communication protocol (column 12 lines 54-67); and

- prevent the responsive data from reaching the SIO (column 10 lines 26-43);

The reference teaches the virtual communication port (VCD) to intercept the accesses (data) and prevents it from reaching the SIO.

-format the responsive data for transmission (column 12 lines 54-63); and

The reference teaches remote computer senses that connection in regards to data has not been established and retransmits and redirects it again through the protocols (format the data) therefore gobbling of data changed therefore the data has been transmitted.

-redirect without arbitration the formatted data to the external communication interface (column 12 lines 49-67).

The reference teaches redirect the data to the operating system and received by the operating system without the arbitrator and the data is formatted because the data in the packet has went through the analysis directly to the remote computer (remote user) from the operating system via the modem (external communication port).

As per claim 11, Krantz teaches the remote server management controller of claim 9 wherein the input received from the external user is adapted to emulate an interrupt generated by a device in the managed server (column 10 lines 24-46).

As per claim 12, Krantz teaches the remote server management controller of claim 9 wherein the external communication interface is an Ethernet interface (column 9 lines 49-56) (column 10 lines 44-47) (Fig. 1a element 149)(Column 11 lines 52-59)

The reference teaches communication takes place using a modem which also works as an Ethernet interface.

Art Unit: 2151

As per claim 13, Krantz teaches a method of remotely retrieving data from an operating system (OS), the method comprising the acts of:

- receiving a request for OS information from a remote user (column 12 lines 17-36, lines 54-64);

- transmitting the request for OS information to the OS via a virtual communication device (VCD) comprising a pre-defined standard communication interface (column 10 lines 55-67)(column 11 lines 1-9, lines 26-45)(column 12 lines 54-64); and

The reference teaches sending the resource data to the operating system of the server and the Virtual communication port of the device intercepts the data. The data is sent to the remote computer (remote user) via the modem (external communication port) to the operating system.

- receiving via the VCD interface data responsive to the act of transmitting the request to the OS, the data being intended for a specific communication interface (column 10 lines 55-67)(column 11 lines 1-9, lines 26-45)(column 12 lines 17-36)(column 12 lines 54-67);

- formatting the responsive data for transmission (column 12 lines 54-63); and

The reference teaches remote computer senses that connection in regards to data has not been established and retransmits and redirects it again through the protocols (format the data) therefore gobbling of data changed therefore the data has been transmitted.

-redirecting without arbitration the formatted data to the external communication interface (column 12 lines 49-67).

The reference teaches redirect the data to the operating system and received by the operating system without the arbitrator and the data is formatted because the data in the packet has went through the analysis directly to the remote computer (remote user) from the operating system via the modem (external communication port).

As per claim 14, Krantz teaches the method of claim 13 wherein the specific communication interface is a UART interface (column 10 lines 44-64).

As per claim 17, Krantz teaches the method of claim 13 further comprising the act of enabling an Ethernet interface to receive the request for OS information (column 10 lines 44-64).

As per claim 18, Krantz teaches the method of claim 13 further comprising the act of initiating an out-of-band management communication session (column 11 lines 25-45)(column 10 lines 46-64).

As per claim 19, Krantz teaches the method of claim 13 further comprising the act of enabling a VCD to transmit the request for OS information to the OS (column 11 lines 35-51)(column 12 lines 57-60).

As per claim 20, Krantz teaches the method of claim 13 wherein the recited acts are performed in the recited order (column 10 lines 44-64)(column 11 lines 25-51)(column 12 lines 57-60).

Claim Rejections - 35 USC § 103

Art Unit: 2151

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,5,15,21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krantz et al. U.S. Patent # 5,790,895 (hereinafter Krantz) in view of Britt JR. et al. U.S. Patent Publication # 2002/0032785 (hereinafter Britt).

As per claim 3, Krantz teaches the remote server management controller of claim 1, but fails to teach wherein the specific communication interface is a USB host controller of the managed server. Britt teaches the specific communication interface is a USB host controller of the manager server. (Paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krantz's invention in Britt's invention to come up with specific communication interface as USB host controller. The motivation for doing so would have been because USB interface supports variety of peripheral devices using the USB host controller.

As per claim 5, Krantz teaches the remote server management controller of claim 1, wherein data received from the user over the external communication interface is transmitted to the OS of the managed server but fails to teach via a USB interface. Britt teaches using USB interface to transmit data to the server (Paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krantz's invention in Britt's invention to come up with using USB interface

Art Unit: 2151

to transmit data to the server. The motivation for doing so would have been because USB interface supports variety of peripheral devices using the USB host controller.

As per claim 15, Krantz teaches the method of claim 13 but fails to teach wherein the specific communication interface is a USB interface. Britt teaches the specific communication interface is a USB interface (Paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krantz's invention in Britt's invention to come up with using USB interface. The motivation for doing so would have been because USB interface supports variety of peripheral devices using the USB host controller.

As per claim 21, Krantz teaches the remote server management controller of claim 1, but fails to teach pre-defined communication interface comprises a USB interface. Britt teaches pre-defined communication interface comprises a USB interface (Paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krantz's invention in Britt's invention to come up with using USB interface. The motivation for doing so would have been because USB interface supports variety of peripheral devices using the USB host controller and also one does not have to reconfigure the USB interface when using from one operating system to another.

As per claim 22, Krantz teaches the remote server management controller of claim 9, but fails to teach pre-defined communication interface comprises a USB interface. Britt teaches standard communication interface comprises a USB interface (Paragraph 28). It would have been obvious to one of ordinary skill in the art at the time

Art Unit: 2151

of applicant's invention to implement Krontz's invention in Britt's invention to come up with using USB interface. The motivation for doing so would have been because USB interface supports variety of peripheral devices using the USB host controller and also one does not have to reconfigure the USB interface when using from one operating system to another.

As per claim 23, Krontz teaches the method of claim 13, but fails to teach pre-defined communication interface comprises a USB interface. Britt teaches standard communication interface comprises a USB interface (Paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krontz's invention in Britt's invention to come up with using USB interface. The motivation for doing so would have been because USB interface supports variety of peripheral devices using the USB host controller and also one does not have to reconfigure the USB interface when using from one operating system to another.

6. Claims 6,7,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krontz et al. U.S. Patent # 5,790,895 (hereinafter Krontz) in view of Ito et al. U.S. Patent # 6,671,343 (hereinafter Ito)

As per claim 6, Krontz teaches the remote server management controller of claim 1, but fails to teach the specific communication interface is a 1394 interface of the managed server. Ito teaches the specific communication interface is 1394 interface (column 3 lines 51-67)(column 4 lines 1-22). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krontz's invention in Ito's invention to come up specific communication interface as 1394

Art Unit: 2151

interface. The motivation for doing so would have been to because it provides faster data transmission compare to other communication interfaces.

As per claim 7, Krontz teaches the remote server management controller of claim 1, wherein data received from the user over the external communication interface is transmitted to the OS of the managed server but fails to teach via a 1394 interface. Ito teaches the transmitting data to the server using 1394 interface (column 3 lines 51-67)(column 4 lines 1-22). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krontz's invention in Ito's invention to come up with using 1394 interface to transmit data to the server. The motivation for doing so would have been because it provides faster data transmission compare to other communication interfaces.

As per claim 16, Krontz teaches the method of claim 13 but fails to teach wherein the specific communication interface is a 1394 interface. Ito teaches the specific communication interface is 1394 interface (column 3 lines 51-67)(column 4 lines 1-22). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krontz's invention in Ito's invention to come up specific communication interface as 1394 interface. The motivation for doing so would have been to because it provides faster data transmission compare to other communication interfaces.

Remarks

7. Applicant's remarks were fully considered but were not deemed persuasive by the Examiner.

8. As per remarks applicant stated the following:

A). As per claims 1,9,13, applicant stated Krontz fails to teach redirection of data “without arbitration the data received from the OS to the remote user via the external communication interface”

B). Applicant stated Krontz does not disclose “VCD adapted to redirect without arbitration the formatted data to the external communication interface.

C). As per claims 8,12,17, Applicant stated Krontz does not disclose “remote server management controller having an external interface wherein the external communication interface is an Ethernet interface”.

D). As per claim 18, Applicant stated Krontz does not disclose “to out-of-band management communication session”

As per remark A, Examiner respectfully disagrees with the applicant because in column 12 lines 17-36, lines 54-64, Krontz teaches the modem (external communication interface) receives the incoming call (communicate) and examines the first few characters from the incoming call (receiving data) from the remote user using certain communication protocols (first communication protocol).

In column 10 lines 55-67, column 11 lines 1-9, lines 26-45, column 12 lines 17-36 and column 12 lines 49-67, Krontz further teaches the data is directly received by the operating system without the arbitrator and the data is directly to the remote computer (remote user) from the operating system via the modem (external communication port).

As per remark B, Examiner respectfully disagrees with the applicant because in column 10 lines 55-67, column 11 lines 1-9, lines 26-45, column 12 lines 17-36 and

Art Unit: 2151

column 12 lines 54-67, Krontz further teaches VCD to redirect the data to the operating system and received by the operating system without the arbitrator and the data is formatted because the data in the packet has went through the analysis directly to the remote computer (remote user) from the operating system via the modem (external communication port).

As per remark C, Examiner respectfully disagrees with the applicant because in column 9 lines 49-56, column 10 lines 44-47, Fig. 1a element 149, Column 11 lines 52-59, Krontz teaches communication taking place using a modem which provides an Ethernet interface and the modem receives the request for the OS information for example the data received. Therefore Krontz teaches the claimed limitations.

As per remark D, Examiner respectfully disagrees with the applicant because in column 10 lines 54-67, Krontz teaches UART interface establishes communication (initiating out-of-band communication session) with the remote server operating in remote console mode. Therefore Krontz teaches the claimed limitations.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A). "Transparent keyboard hot plug" by Emerson et al. U.S. Patent # 5,898,861.

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2151

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAP


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER